

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**JOSEPH STEVENS & COMPANY, INC.,** )  
Petitioner/Cross-Respondent, )  
v. )  
**DAVID CIKANEK,** )  
Respondent/Cross-Petitioner. )  
Civ. Case No. 08-CV-706  
Hon. Amy St. Eve

# **JOSEPH STEVENS' OPPOSITION TO DAVID CIKANEK'S CROSS-APPLICATION TO CONFIRM ARBITRATION AWARD**

Petitioner/Cross-Respondent Joseph Stevens & Company, Inc. (“Joseph Stevens”), by and through its attorneys Nixon Peabody LLP, hereby moves in opposition to Respondent/Cross-Petitioner David Cikanek’s (“Cikanek”) Cross-Application to Confirm Arbitration Award, filed with the Court on March 28, 2008.

In support of its opposition, Joseph Stevens refers the Court to the following documents that were filed on March 31, 2008:

- (i) Petitioner Joseph Stevens' Application to Vacate Arbitration Award (Docket Entry No. 43);
  - (ii) Memorandum of Law in Support of Joseph Stevens' Application to Vacate the Arbitration Award (Docket Entry No. 45); and
  - (iii) Declaration of Martin P. Russo in Support of Application to Vacate (Docket Entry No. 44).

WHEREFORE, Joseph Stevens respectfully requests that the Court deny Cikanek's Cross-Application to Confirm Arbitration Award, and grant Joseph Stevens' Application to Vacate Arbitration Award rendered in David Cikanek v. Joseph Stevens & Co., Kevin P. Brody, Leonard J. Inserra, and Ross S. Inserra, NASD Arbitration No. 06-1868 (2007) (Peppard, Sellars, and Paske, Arb.). *See* Ex. 1 to Pet'r Joseph Stevens' Application to Vacate Arbitration Award (Docket Entry No. 43). In the alternative, Joseph Stevens respectfully requests that the Court remand this case to the NASD for clarification of the Arbitration Panel's basis for awarding compensatory and punitive damages.

Dated: April 11, 2008

Respectfully submitted,

**NIXON PEABODY LLP**

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Attorneys for Petitioner/Cross-Respondent  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that **JOSEPH STEVENS' OPPOSITION TO DAVID CIKANEK'S CROSS-APPLICATION TO CONFIRM ARBITRATION AWARD** was filed electronically in compliance with the General Order on Electronic Case Filing, Section III(B)(1). As such, these documents were served on all counsel who are deemed to have consented to electronic service. Fed. R. Civ. P. 5(b)(2)(D) and Local Rule 5.9.

/s/ Peter J. Prommer

One of the Attorneys for Petitioner/Cross-  
Respondent Joseph Stevens & Company, Inc.